ACT OF PARLIAMENT FOR *Erecting a Bank in* SCOTLAND.

EDINBURGH, *July* 17. 1695.

OUR SOVEREIGN LORD conſidering, how uſeful a publick Bank may be in this Kingdom, according to the Cuſtom of other Kingdoms and States; and that the ſame can only be beſt ſet up and managed, by Perſons in Company, with a joint Stock, ſufficiently endued with theſe Powers and Authorities, and Liberties, neceſſary and uſual in ſuch Caſes; *Hath therefore allowed*, and with Advice and Conſent of the Eſtates of Parliament, *Allows* a joint Stock, amounting to the Sum of *Twelve hundred thouſand Pounds Money*, to be raiſed by the Company hereby eſtabliſhed, for the carrying on and managing of a publick Bank. *And further Statutes and Ordains*, with Advice foreſaid, That the Perſons under-named, *viz.* Mr. *William Areskine*, Son to the Lord *Cardroſs*, Sir *John Swinton* of that Ilk, Sir *Robert Dickſon* of *Sornebeg*, Mr. *George Clark* Junior, and Mr. *John Watſon*, Merchants in *Edinburgh*, Mr. *James Fowlls*, Mr.

John Holland, Mr. *David Nairn*, Mr. *Walter Stewart*, Mr. *Hugh Frazer*, Mr. *Thomas Couts*, and Mr. *Thomas Deans*, Merchants in *London*, or any Three of them: And in caſe of the Deceaſe of any of them, the Perſons to be choſen by the Survivers, ſhall have Power to appoint a Book, for Subſcriptions of Perſons, either Natives or Foreigners, who ſhall be willing to ſubſcribe and pay in to the ſaid joint Stock; which Subſcriptions, the foreſaids Perſons, or their *Quorum*, are hereby authoriſed to receive in the foreſaid Book, which ſhall ly open every *Tueſday* or *Friday*, from Nine to Twelve in the Forenoon, and from Three to Six in the Afternoon, betwixt the firſt Day of *November* next, and the firſt Day of *January* next following, in the publick Hall or Chamber to be appointed in the City of *Edinburgh*; and therein all Perſons ſhall have Liberty to ſubſcribe, for ſuch Sums of Money, as they ſhall think fit to adventure in the ſaid joint Stock, one thouſand Pounds *Scots* being the loweſt Sum, and twenty thouſand Pounds *Scots* the higheſt; and the two third Parts of the ſaid Stocks, belonging always to Perſons reſiding in *Scotland*. *Likeas*, each and every Perſon, at the Time of his ſubſcribing, ſhall pay into the Hands of the forenamed Perſons, or any Three of them, Ten of the Hundred, of the Sums ſet down in their reſpective Subſcriptions, towards the carrying on the Bank. And all and every the Perſons ſubſcribing, and paying to the ſaid Stock, as aforeſaid, ſhall be, and hereby declared, to be one Body corporate and politick, by the Name of *The Governour and Company of the Bank of* Scotland; under which Name, they ſhall have perpetual Succeſſion, and ſhall have a common Seal: And their Succeſſors, by the Name foreſaid, ſhall be able and capable to purchaſe and enjoy; as alſo to give, grant, alienate, and diſpoſe of Lands, Tenements, and all other Heritage; as likewiſe of all Sums of Money, and other moveable Goods and Gear whatſoever: And further, to do and execute all other Things, which any other Company or Body corporate, can or may lawfully do or execute; and that as amply and fully, as if the ſeveral Matters and Things, were particularly

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ſet down in this Act. *And* for the better ordering and managing of the Affairs of the ſaid Bank, it is hereby further *Statute and Ordained*, That there ſhall be for ever a Governor, Deputy-Governor, and Twenty four Directors, to be elected and choſen, as hereafter is appointed, who, or any ſeven of them, (hereby declared to be their *Quorum*,) ſhall have the Management and Direction of the ſaid Bank; which Perſons, *viz.* Governor, Deputy-Governor, and Twenty four Directors, are to be choſen in this Manner, *viz.* That within the three Months after the foreſaid Subſcriptions are ended, the Perſon particularly above-named, or any Two of them, ſhall appoint a certain Day, and make due Intimation of the ſame, that ſuch and ſo many of the Adventurers, and none other, as ſhall each of them have ſubſcribed for one thouſand Pounds Money or upwards, in the ſaid Book of the joint Stock, may elect and chooſe by Majority of Votes, which are to be given, one Vote for every thouſand Pounds Share in the Stock, a fit Perſon of the Subſcribers, who hath ſubſcribed for himſelf, at leaſt for eight thouſand Pounds, to be Governor of the ſaid Bank; and another fit Perſon of the Subſcribers, who ſhall have ſubſcribed for himſelf, at leaſt for ſix thouſand Pounds, to be Deputy-Governor of the ſaid Bank; and alſo twenty four others, fit Perſons, who ſhall have ſubſcribed each of them for himſelf, at leaſt for three thouſand Pounds in the ſaid joint Stock, to be Directors of the ſaid Bank; which Governonr, Deputy-Governor and Directors, are to continue in their reſpective Offices, until the next Election of their Succeſſors; which next Election ſhall be made within thirty Days, after the Expiration of a whole Year from the former Election, by the Majority of the Votes of the Members, who are to be qualified, and their Votes reckoned in Manner above-mentioned: And ſo forth the ſaid Governor, Deputy-Governor, and Directors, to be choſen from Year to Year. And if any of them happen to deceaſe before the Expiration of his Time, then the Members and the Company, qualified as aforeſaid, ſhall elect in Manner above-mentioned, another fit Perſon, in the Room, and to the Office of the

Deceaſed, who is to officiate for the Remainder of his Time. And further, the Governor or his Deputy, and any Three of the Directors, or any Five of the Directors, without the Governor or his Deputy, may, as often as they ſee Cauſe, ſummon a Meeting of the Adventurers, qualified as ſaid is; at which Meeting, by Majority of Votes to be given, as ſaid is, the Governor or his Deputy, or any of the Directors for the Time, not exceeding Two Directors at one Meeting, may be diſplaced and removed, for any Miſcarriage or Inſufficiency in his Office. To which Sentence, the Perſon removed is abſolutely to acquieſce, without Gainſaying, and another to be choſen in his Room and Place, as aforeſaid, to continue till the next general Election; and the Governor, Deputy-Governor, Directors, or any ſeven of them, their *Quorum* foreſaid, may meet together at any convenient Place, for the Management of the Affairs of the ſaid Bank; and the ſaids Adventurers, at any General Meeting that ſhall happen to be appointed, ſhall have Power to require the Payment of any further Part of the Subſcriptions, than the Ten *per Cent.* above-mentioned, at ſuch Time as they ſhall think fit. And in caſe any of the Adventurers ſhall refuſe, or neglect to pay in their Proportion appointed by the ſaid General Meeting, then he ſhall forfeit, to the Uſe and Behoof of the ſaid joint Stock, whatever he had before paid in to the ſaid Company; and no Governor, Deputy-Governor, or Director, ſhall be capable of, or continue in their ſaid reſpective Offices, unleſs they have the reſpective Sums above-mentioned in their own Right, and ſo long as they have the ſame, and no longer; but upon the Diminution of the ſaids Sums, their Offices are to determine, and others to be choſen at a General Meeting, as aforeſaid, in their Places: And the ſaid Governor, Deputy-Governor, and Directors, are to ſwear at their Entry to their reſpective Offices, the Oath following. *I A. B. Do ſwear, that the Sum of* *of the Stock of the Governor, and Company of the Bank of* Scotland, *doth at this Time, belong to me in my own Right, and not in Truſt: And that in the Office of* *I will*

will be equal to all Perſons, and give my beſt Advice, for the Support of the Bank of Scotland ; *and in the ſaid Office, honeſtly demean myſelf to the beſt of my Skill.* And this Oath, the firſt Governor ſhall take before the Lord Chancellor, or any other of the Officers of State, and then ſhall have Power to adminiſtrate the ſame to his Deputy and Directors. And the next Governor and Directors ſhall ſwear the ſame at their Entry, as ſaid is, before a General Meeting of the Company, certifying any who ſhall neglect to ſwear at his Entry, or within Twenty Days thereafter, his Place ſhall be void, and another ſhall be elected to it: And the Governor, or Deputy-Governor; with the Directors or their *Quorum*, may chooſe a Theſaurer, Secretary, and other Officers, for the Affairs of the ſaid Company, who are to give their Oaths *de fideli* before the Governor, or his Deputy, or any Two of the Directors; and may be removed from the ſaid Offices, at the Pleaſure of a General Meeting: *Providing always*, That neither the Governor, Deputy-Governor, or any of the Directors, may be choſen to any of the ſaids inferior Offices. *And* it is further hereby *Statute* and *Ordained*, That it ſhall be lawful for the ſaid Governor and Company, to lend upon real or perſonal Security, any Sum or Sums, and to receive Annualrent for the ſame at Six *per cent.* as ſhall be ordinary for the Time: As alſo, That if the Perſon borrowing, as ſaid is, ſhall not make Payment at the Term agreed upon with the Company, then it ſhall be lawful for the Governor and Company, to ſell and diſpoſe of the Security or Pledge, by a publick Roup, for the moſt that can be got, for Payment to them of the Principal, Annualrents and reaſonable Charges, and returning the Overplus to the Perſon who gave the ſaid Security or Pledge. And it is further hereby *Enacted*, That the foreſaid Company, and Members, thereof, or major Part of them, aſſembled at any General Meeting, may make and conſtitute ſuch By-laws and Ordinances, as to them ſhall ſeem neceſſary and convenient, for the Good of the Company, and under ſuch Penalties, as ſhall be therein contained; providing that the ſaids By-laws and Ordi-

Ordinances, be not contrary to, (but conſiſtent with the Laws of the Kingdom.) And for aſcertaining how the ſaid joint Stock and Shares thereof, with all the Lands, Houſes, or other Eſtate thereto belonging, may be aſſigned or transferred: It is hereby *Statute* and *Ordained*, That there be conſtantly kept a Book or Regiſter, by the ſaid Governor and Directors, where all the foreſaid Aſſignments ſhall be entred, and ſubſcribed by both the Party aſſigning, and the Party to whom the Aſſignment is made, in Token of his Acceptance; and that ſuch Aſſignments ſo ſubſcribed, ſhall make full, compleat, and abſolute Rights, and no other ſhall be good, excepting that any Perſon having Intereſt in the ſaid Company, may diſpoſe of the ſame by latter Will or Teſtament, which ſhall be a valid and compleat Tranſmiſſion, in Favours of the Perſon to whom the Diſpoſition is made, upon the entring and recording ſo much of the ſaid latter Will, as relates to the ſaid Stock in the Books of the ſaid Company, without Neceſſity of Confirmation or further Formality whatſoever. And it is hereby further *Statute*, That no Dividend ſhall be made, ſave out of the Intereſt or Product ariſing out of the joint Stock, and by the Conſent of the Adventurers in a General Meeting. And for the better Encouragement of the ſaid Company and Adventurers; it is hereby *Statute*, That the joint Stock of the ſaid Bank continuing in Money, ſhall be free from all publick Burden to be impoſed upon Money, for the Space of Twenty one Years after the Date hereof: And that during this Space, it ſhall not be leiſome to any other Perſons to enter into, and ſet up a diſtinct Company of Bank within this Kingdom, beſides theſe Perſons allenarly, in whoſe Favours this Act is granted. And ſicklike, it is hereby *Declared*, That ſummar Execution by Horning, ſhall proceed upon Bills or Tickets, drawn upon, or granted by, or to, and in Favours of this Bank, and the Managers and Adminiſtrators thereof for the Time, and Proteſts thereon, in the ſame Manner, as is appointed to paſs upon Proteſts of foreign Bills, by the 20th *Act*, *Parl.* 1681. K. *Ch.* II. And ſicklike, That no Suſpenſion paſs of any Charge, (for Sums lent by this Bank

Bank or to the ſame,) but upon Diſcharge or Conſignation of the Sums charged for allenaaly. *And further*, for preventing the breaking of the ſaid joint Stock and Company, contrary to the Deſign thereof: It is hereby *Declared*, That the Sums of the foreſaid Subſcriptions and Shares, may only be conveyed and tranſmitted by the Owners to others, who ſhall become Partners of the Company in their Place, in Manner abovementioned, or by Adjudication, or other legal Conveyance, in Favours of one Perſon allenarly, who in like Manner ſhall ſucceed to be a Partner in his Predeceſſor's Place, ſo that the foreſaids Sums of Subſcriptions may neither be taken out of the Stock, nor parcelled amongſt more Perſons by legal Diligence in any Sort, to the diminiſhing or diſturbing the Stock of the ſaid Company, and good Order thereof. *And ſicklike*, for the greater Security, and more convenient managing of the ſaid Bank or joint Stock, it is hereby *Statute and Ordained*, That in caſe it ſhall happen any of the Members, Partners or Subſcribers, or other Proprietors of any Part of the ſaid Stock, to be Regiſtrate at the Horn, or to commit any Crime puniſhable by Confiſcation, or Forfeiture of his ſaid Share and Proportion of the ſaid joint Stock and Profit thereof due at the Time; then and in that Caſe it ſhall be lawful for the Governor, Deputy Governor, and Directors, or their *Quorum* foreſaid, to expoſe, by publick Roup, ſuch Shares and Profit thereof to any other Perſon who ſhall bid the higheſt Price therefore, after ſuch legal Intimations to be made for that Effect by the ſaid Governour, Deputy-Governor, Directors or their *Quorum*, as is preſcribed by the Act of Parliament for the Sale of Bankrupts Lands; and the Price ariſing by the ſaid Roup, to be made forthcoming by the ſaid Company to the Creditors, Heirs, or others ſucceeding in the Right of the Party ſo denounced or forfeit. *Providing always*, as it is hereby expreſly *Enacted*, *Provided* and *Declared*, That it ſhall not be lawful nor allowable for the ſaid Company, Governor, Deputy-Governor, Directors, or Managers thereof, upon any Ground or pretence whatſoever, directly or indirectly, to uſe, exerce, or follow any other Com-

Commerce, Traffick, or Trade with the joint Stock to be imployed in the ſaid Bank, or any Part thereof, or Profits ariſing thereſrae, excepting the Trade of lending and borrowing Money upon Intereſt, and negotiating Bills of Exchange allenarly and no other. *Providing alſo*, Likeas it is hereby expreſly *Provided, Enacted and Declared*, That in caſe the Governor, Deputy-Governor, Directors or other Managers of the ſaid Company, ſhall at any Time happen to purchaſe for the Uſe and Behoof of the ſaid Company any Lands, Rents, or other Heritage belonging to his Majeſty, His Heirs and Succeſſors, or ſhall advance or lend to His Majeſty, His Heirs or Succeſſors, any Sums of Money in borrowing or by Way of Anticipation upon any Part, Branch or Fund of the ordinar Rent or Caſualites of the Crown, or of any Supply, Ceſs, Exciſe, Cuſtom, Pole-Tax, or any other Supply or Taxation already granted, or which ſhall happen to be granted at any Time hereafter to His Majeſty and his foreſaids, any Manner of Way whatſoever, excepting theſe Parts, Branches, or Funds of the ſaids Rents, Caſualities, or Impoſitions foreſaids, upon which a Credit of Loan ſhall happen to be granted by Act of Parliament allenarly; then and in that Caſe, the ſaid Governor, Deputy-Governor, Directors, or other Managers, one or more of the ſaid Company who ſhall conſent, agree to, or approve of the ſaid Purchaſe, Advance or Lending to His Majeſty and his foreſaids, and ilk ane of them ſo agreeing and approving, and being found guilty thereof according to Law, ſhall be liable for every ſuch Fault, in the Triple of the Value of the Purchaſe ſo made, or the Sums ſo lent, whereof a fifth Part ſhall belong to the Informer, and the Remainder to be diſpoſed of towards ſuch publick Uſes, as ſhall be appointed by Parliament and not otherwiſe. *And* it is likewiſe hereby *Provided*, That all Foreigners who ſhall join as Partners of this Bank, ſhall thereby be and become naturalized *Scots-men*, to all Intents and Purpoſes whatſoever.

Extracted forth of the Records of Parliament by
TARBAT *Cl. Regiſtri.*